

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ANDREW H. MADOFF, individually and as  
Executor of the Estate of Mark D. Madoff, and the  
ESTATE OF MARK D. MADOFF,

Defendants.

Adv. Pro. No. 09-01503 (SMB)

**STIPULATION AND ORDER SETTING BRIEFING SCHEDULE  
AND HEARING ON TRUSTEE'S MOTION SEEKING LEAVE TO AMEND**

WHEREAS, on July 15, 2014, Irving H. Picard, as trustee ("Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* and the substantively consolidated estate of Bernard L. Madoff individually, filed a Notice of Motion for Entry of Order Under Rule 15 of the Federal Rules of Civil Procedure, as incorporated by Rule 7105 of the Federal Rules of

Bankruptcy Procedure, Granting Trustee's Motion for Leave to File a Third Amended Complaint (the "Motion for Leave to Amend");

WHEREAS, on August 12, 2014, Defendants Estate of Mark D. Madoff and Andrew H. Madoff, individually and as Executor of the Estate of Mark D. Madoff, filed a Memorandum of Law in Opposition to the Trustee's Motion for Leave to File a Third Amended Complaint (the "Opposition");

WHEREAS, by Stipulation and Order entered on August 18, 2014, this Court set an amended briefing schedule on the Motion for Leave to Amend, adjourned the hearing on the Motion before the Court from August 19, 2014 to November 19, 2014 at 10:00 a.m.;

WHEREAS, by Stipulation and Order entered on October 7, 2014, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from November 19, 2014 to February 25, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on January 16, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from February 25, 2015 to March 18, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on February 3, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from March 18, 2015 to April 29, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on February 27, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend. The hearing on the Motion before the Court remained scheduled for April 29, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on March 13, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend. The hearing on the Motion before the Court remained scheduled for April 29, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on March 27, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from April 29, 2015 to May 20, 2015 at 10:00a.m.; and

WHEREAS, by Stipulation and Order entered on April 27, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from May 20, 2015 to July 29, 2015 at 10:00 a.m.

WHEREAS, by Stipulation and Order entered on June 5, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from July 29, 2015 to September 23, 2015 at 10:00 a.m.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned herein, as follows:

1. The Trustee shall have until January 8, 2016 to file a reply to the Opposition of not more than twenty-five (25) pages (the "Reply").
2. Defendants Estate of Andrew H. Madoff, Martin Flumenbaum as Executor, and the Estate of Mark D. Madoff, David Blumenfeld as Executor, shall have until January 29, 2016 to file a sur-reply to the Reply of not more than ten (10) pages.
3. The hearing before this Court on the Motion for Leave to Amend is scheduled for February 24, 2016 at 10:00 a.m.

4. Nothing in this stipulation is a waiver of the parties' right to stipulate to further extensions. Nor is anything in this stipulation a waiver of any party's right to request from the presiding Court a further extension, or of any other party's right to object to any such request.

Dated: July 8, 2015  
New York, New York

**BAKER & HOSTETLER LLP**

By: /s/ David J. Sheehan  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Lauren Resnick  
Email: lresnick@bakerlaw.com  
Marc E. Hirschfield  
Email: mhirschfield@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for  
the Substantively Consolidated Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**

By: /s/ Martin Flumenbaum  
1285 Avenue of the Americas  
New York, New York 10019-6064  
Telephone: 212.373-3191  
Facsimile: 212.492-0191  
Martin Flumenbaum  
Email: mflumenbaum@paulweiss.com  
Andrew Ehrlich  
Email: aehrich@paulweiss.com

*Attorneys for Defendants the Estate of Andrew H. Madoff,  
Martin Flumenbaum as Executor, and the Estate of Mark  
D. Madoff, David Blumenfeld as Executor*

SO ORDERED:

Dated: July 8<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE